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COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION
Fifty-second session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 9 OF THE CONVENTION

Concluding observations of the Committee on the Elimination of Racial Discrimination

Switzerland

1. The Committee considered the initial report of Switzerland (CERD/C/270/Add.1) at its 1248th and 1249th meetings held on 3 and 4 March 1998 and at its 1268th meeting, held on 17 March 1998, adopted the following concluding observations.

A. Introduction

2. The Committee welcomes the initial report submitted by Switzerland and the comprehensive introductive presentation made by the delegation as well as the opportunity thus offered to begin its dialogue with the State party. It expresses to the State party satisfaction regarding the quality of the report although it regrets that it was not submitted by the due date.

B. Positive aspects

3. It is noted with appreciation that the State party has established a Federal Commission against Racism to promote better understanding between persons of different races, colours, and ethnic or religious origins and to combat all forms of direct or indirect racial discrimination. The Committee welcomes the initiatives taken by this Commission in the sphere of education and information.

4. The adoption of article 261 bis of the Swiss Criminal Code, which is intended to give effect to articles 4 and 5 (f) of the Convention, is welcomed.

C. Principal subjects of concern

5 While the Committee takes note of the draft reforms of the Federal Constitution, it expresses its concern about the lack of comprehensive legislation to combat discrimination based on race, colour, descent, or national or ethnic origin. Such legislation should include measures to combat racial discrimination in labour relations and housing and, more generally, racial discrimination by any person, group or organization as required by article 2, paragraph 1 (d), of the Convention.

6. While noting that the current Swiss immigration policy may be subject to revision, the Committee expresses its disquiet at the current so-called three-circle-model immigration policy which classifies foreigners on the basis of their national origin. The Committee considers the conception and effect of this policy to be stigmatizing and discriminatory, and therefore contrary to the principles and provisions of the Convention. Other areas of special concern are the extensive system of police control of foreigners as well as the naturalization policies and procedures, which are deemed too protracted and selective. Concern is also expressed about serious incidents of police brutality in dealings with persons of foreign ethnic or national origin.

7. The restrictions on freedom of movement imposed on the Jenish population and on the Sinti and Roma minorities, as well as tendencies to discredit them, are matters of concern.

8. Incidents of xenophobia, anti-Semitism, racial discrimination and racial violence occurring in the State party as well as the dissemination of racist and xenophobic ideas also occasion concern. Moreover, article 4 (b) of the Convention is not fully implemented, notably as regards participation in illegal and prohibited organizations.

D. Suggestions and recommendations

9. The Committee recommends that the envisaged constitutional reform in the State party more fully reflect the provisions of the Convention. Such reform should entail a clear repudiation of racial discrimination.

10. The State party should give serious consideration to the enactment of a comprehensive law banning discrimination based on race, colour, descent, or national or ethnic origin. Other preventive measures, such as information campaigns, educational programmes and more intensive training programmes for law enforcement officials, in accordance with article 7 of the Convention and General Recommendation XIII of the Committee, will strengthen the implementation of the Convention.

11. The Committee urges the State party to review those elements of its current immigration policy which classify foreigners on the basis of their national origin, and recommends that it reconsider the reservation made to article 2, paragraph 1 (a), of the Convention.

12. In light of article 3 of the Convention and General Recommendation XIX, the Committee encourages the State party to monitor all tensions which may give rise to racial segregation and to work for the eradication of any negative consequences that ensue.

13. The Committee recommends that the State party take the necessary steps to implement article 4 (b) of the Convention. The Committee further recommends that the State party include in its next report information on complaints of discrimination under article 4 of the Convention, actions taken by prosecution authorities and by the competent courts as well as, where appropriate, on reparation granted to victims.

14. The Committee encourages the State party to contribute to the United Nations Trust Fund for the Programme for the Decade to Combat Racism and Racial Discrimination. Furthermore, the Committee expresses the hope that the Federal Commission against Racism will receive adequate resources to enable it to effectively carry out its tasks and that other organizations and institutions dealing with race relations also receive the necessary support.

15. It is noted that the State party has not yet made the declaration provided for in article 14 of the Convention, and some members of the Committee request that the possibility of such a declaration be considered.

16. The Committee suggests to the State party that the report and these concluding observations be widely distributed to the public in the various official languages of Switzerland. The Committee recommends that the State party's second periodic report, due on 29 December 1997, which may be of an updating character, address all the points raised in the present concluding observations.